



Reprinted  
February 25, 2005

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## HOUSE BILL No. 1602

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DIGEST OF HB 1602 (Updated February 24, 2005 10:48 pm - DI 14)

**Citations Affected:** Noncode.

**Synopsis:** Smart growth study commission. Creates the smart growth study commission to study local planning and growth issues.

**Effective:** July 1, 2005.

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**Dvorak, Thompson, Stevenson, Hoy**

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January 18, 2005, read first time and referred to Committee on Local Government.  
February 15, 2005, amended, reported — Do Pass.  
February 24, 2005, read second time, amended, ordered engrossed.

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HB 1602—LS 7549/DI 14+



First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1602

A BILL FOR AN ACT concerning state offices and administration.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. [EFFECTIVE JULY 1, 2005] (a) As used in this  
2       SECTION, "commission" refers to the smart growth study  
3       commission established by subsection (c).

4       (b) The general assembly finds that poorly planned development  
5       may cause:

- 6           (1) higher taxes to pay for new infrastructure;
- 7           (2) increased traffic congestion;
- 8           (3) degraded air quality;
- 9           (4) a threat to aquifers and water quality;
- 10          (5) a loss of farmland and open space; and
- 11          (6) abandonment of historic downtowns.

12       (c) The general assembly finds that there is a need for Indiana  
13       to develop a smart growth strategy to:

- 14           (1) keep taxes low;
- 15           (2) encourage traditional community development;
- 16           (3) preserve farmland and wilderness areas;
- 17           (4) develop enjoyable places to live and work;
- 18           (5) attract high quality economic development opportunities;

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and

(6) encourage the implementation of effective local planning across Indiana.

The smart growth study commission is established.

(d) The commission shall study:

- (1) planning and development practices and procedures;
- (2) zoning practices and ordinances;
- (3) tax abatement issues; and
- (4) methods of funding infrastructure;

for units of state and local government.

(e) The commission shall make recommendations on the most efficient way to plan for growth and development in local communities, including ways to do the following:

- (1) Make development decisions that are predictable, fair, and cost effective.
- (2) Strengthen and direct development toward existing communities and infrastructure issues.
- (3) Preserve prime farmland, open space, and critical environmental areas.
- (4) Create a range of affordable housing opportunities and choices.
- (5) Integrate transportation planning with land use planning.
- (6) Encourage mixed land uses.
- (7) Foster distinctive, appealing communities with a strong sense of place.

(f) The commission consists of the following members:

- (1) Three (3) members appointed by the president pro tempore of the senate, one (1) of whom must be a member of the senate and two (2) of whom should be individuals who have experience in planning or economic development.
- (2) Three (3) members appointed by the speaker of the house of representatives, one (1) of whom must be a member of the house of representatives and two (2) of whom should be individuals who have experience in planning or economic development.
- (3) Three (3) members appointed by the minority leader of the senate, one (1) of whom must be a member of the senate and two (2) of whom should be individuals who have experience in planning or economic development.
- (4) Three (3) members appointed by the minority leader of the house of representatives, one (1) of whom must be a member of the house of representatives and two (2) of whom should be

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1 individuals who have experience in planning or economic  
2 development.

3 (5) One (1) nonvoting member recommended by the Indiana  
4 association of cities and towns and appointed by the chairman  
5 of the legislative council.

6 (6) One (1) nonvoting member recommended by the  
7 association of Indiana counties and appointed by the  
8 chairman of the legislative council.

9 (7) One (1) nonvoting member recommended by the Indiana  
10 Builders Association and appointed by the chairman of the  
11 legislative council.

12 (8) One (1) nonvoting member recommended by the Indiana  
13 Association of Realtors and appointed by the chairman of the  
14 legislative council.

15 (9) One (1) nonvoting member recommended by the Indiana  
16 Farm Bureau and appointed by the chairman of the legislative  
17 council.

18 (10) One (1) nonvoting member recommended by the Hoosier  
19 Environmental Council and appointed by the chairman of the  
20 legislative council.

21 (11) One (1) nonvoting member recommended by the Indiana  
22 Chamber of Commerce and appointed by the chairman of the  
23 legislative council.

24 (g) The Indiana economic development corporation shall staff  
25 the commission.

26 (h) The expenses of the commission shall be paid from  
27 appropriations made to the Indiana economic development  
28 corporation.

29 (i) Each member of the commission who is not a state employee  
30 is not entitled to the minimum salary per diem provided by  
31 IC 4-10-11-2.1(b). The member is, however, entitled to  
32 reimbursement for traveling expenses as provided under  
33 IC 4-13-1-4 and other expenses actually incurred in connection  
34 with the member's duties as provided in the state policies and  
35 procedures established by the Indiana department of  
36 administration and approved by the budget agency.

37 (j) Each member of the commission who is a member of the  
38 general assembly is entitled to receive the same per diem, mileage,  
39 and travel allowances paid to legislative members of interim study  
40 committees established by the legislative council. Per diem,  
41 mileage, and travel allowances paid under this subsection shall be  
42 paid from appropriations made to the legislative council or the

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- 1 legislative service agency.
- 2 (k) The affirmative votes of a majority of the voting members
- 3 appointed to the commission are required for the commission to
- 4 take action on any measure, including final reports.
- 5 (l) The commission shall file a:
- 6 (1) preliminary report before December 31, 2005; and
- 7 (2) final report before December 1, 2006;
- 8 on the findings of the commission with the legislative council. The
- 9 reports filed under this subsection must include information from
- 10 the study required in subsection (d) and the recommendations
- 11 required under subsection (e). Reports described in this section
- 12 must be in an electronic format under IC 5-14-6.
- 13 (m) This SECTION expires January 1, 2007.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1602, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete line 17.

Page 1, line 18, delete "(5)" and insert "**(4)**".

Page 1, line 18, delete "attractive and".

Page 1, line 18, delete "." and insert ";".

Page 1, after line 18, begin a new line block indented and insert:

**"(5) attract high quality economic development opportunities;  
and**

**(6) encourage the implementation of effective local planning  
across Indiana."**

Page 2, line 15, after "Preserve" insert "**prime**".

Page 2, line 17, after "of" insert "**affordable**".

Page 2, line 25, delete "must" and insert "**should**".

Page 2, line 26, delete "local".

Page 2, line 26, delete "and funding areas." and insert "**or economic  
development."**

Page 2, line 29, delete "must" and insert "**should**".

Page 2, line 30, delete "local".

Page 2, line 30, delete "and funding" and insert "**or economic  
development."**

Page 2, delete line 31.

Page 2, line 34, delete "must" and insert "**should**".

Page 2, line 35, delete "local".

Page 2, line 35, delete "and funding areas." and insert "**or economic  
development."**

Page 2, line 38, delete "must" and insert "**should**".

Page 2, line 39, delete "local".

Page 2, line 39, delete "and funding" and insert "**or economic  
development."**

Page 2, delete line 40.

Page 2, line 41, delete "appointed" and insert "**recommended**".

Page 2, line 42, after "towns" delete "." and insert "**and appointed  
by the chairman of the legislative council."**

Page 3, line 1, delete "appointed" and insert "**recommended**".

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Page 3, line 2, after "counties" delete "." and insert "**and appointed by the chairman of the legislative council.**".

and when so amended that said bill do pass.

(Reference is to HB 1602 as introduced.)

HINKLE, Chair

Committee Vote: yeas 8, nays 0.

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## HOUSE MOTION

Mr. Speaker: I move that House Bill 1602 be amended to read as follows:

Page 3, between lines 8 and 9, begin a new line block indented and insert:

**"(7) One (1) nonvoting member recommended by the Indiana Builders Association and appointed by the chairman of the legislative council.**

**(8) One (1) nonvoting member recommended by the Indiana Association of Realtors and appointed by the chairman of the legislative council.**

**(9) One (1) nonvoting member recommended by the Indiana Farm Bureau and appointed by the chairman of the legislative council.**

**(10) One (1) nonvoting member recommended by the Hoosier Environmental Council and appointed by the chairman of the legislative council.**

**(11) One (1) nonvoting member recommended by the Indiana Chamber of Commerce and appointed by the chairman of the legislative council."**

(Reference is to HB 1602 as printed February 16, 2005.)

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